

Our Case No. 10922/51**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:)		
Thomas L. Foster et al.)		
Serial No. 10/617,580)	Examiner	Nguyen
Filing Date: July 11, 2003)	Group Art Unit No.	3731
For: FLEXIBLE CANNULA)		

**STATEMENT OF PRIOR INVENTION
UNDER 37 C.F.R. § 1.131**

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

We, the undersigned, with addresses and citizenship as stated below, declare of our own knowledge:

1. We declare that we made and conceived the invention described and claimed in United States Patent Application Number 10/617,580, filed in the United States of America on July 11, 2003, entitled FLEXIBLE CANNULA, which claims priority from United States Provisional Application No. 60/395,280, filed on July 12, 2002.

2. We declare that we made and conceived this invention while employed by Cook Urological Incorporated (Cook), that the invention is related to the work we are employed to perform, and the invention was made within the scope of our employment duties. The invention was made and conceived by us prior to November 15, 2001, as disclosed in an invention disclosure consisting of four pages of drawings which are dated prior to November 15, 2001 and attached to this Statement. In addition, the drawings were faxed to a patent attorney at Cook Legal on a date prior to November 15,

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2001. The facsimile cover sheet is dated prior to November 15, 2001, and the header notation of the cover sheet and all four sheets of drawings indicates a transmission date prior to November 15, 2001.

We further declare that our work concerned a flexible cannula for use in a grasper or laser grasper, or other instrument for use in minimally-invasive surgery. The invention was developed in order to provide a surgeon with a more flexible cannula when removing small objects from a patient during surgery. We believe that our invention can be used to allow the surgeon greater ability to maneuver a grasper during surgery, and thus greater freedom of movement when removing small objects. In addition, the flexible cannula may be used for other surgical purposes. For instance, it may be used with other devices to spear and cut objects for removal, such as for a biopsy.

3. As depicted in the drawings, made before November 15, 2001, spiral cuts are made along the length of the cannula to make the cannula flexible. The spiral cuts are made at an angle to the longitudinal axis of the cannula, and may be made at about 80° or at other angles to the axis of the cannula. As depicted in p. 3 of the facsimile, the tubing has a wall thickness of about 0.004 inches $((.035-.0263)/2 = 0.00435)$. As also depicted in p. 3, the spiral cuts are preferably about 0.001 to 0.002 inches deep on the outside of the tubing of which the cannula is made. In our design, the spiral cuts make the cannula flexible, but the cuts are not so deep as to compromise structural soundness for its intended purpose. The drawings and facsimile cover sheet also show that the preferred materials for the cannula are Nitinol or stainless steel tubing.

4. We declare that the invention was made during working hours and with the use of facilities, equipment, materials, funds, information and services of Cook Urological Incorporated at Spencer, Indiana.

5. We declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements

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and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.



Thomas L. Foster (date)
10101 Buckskin Road
Poland, IN 47868

8/25/08



Frederick D. Roemer (date)
4406 W. Tanglewood Drive
Bloomington, IN 47404

8/25/08

Attachment: Redacted Facsimile Cover Sheet and Drawings

DN-1056

COOK®

Cook Urological
1100 W. Morgan Street
Spencer, IN 47460 USA
Phone: 812 829-4891
Fax: 812 829-1801
www.cookgroup.com

Fax Transmission

Date:

To:

From:

Jack Hunt

Tom Tester

Number of Pages:

5

Jack - The materials (tubing) likely to be
used for this would be:

Nitinol Tubing

Stainless Steel Tubing (Cannula)

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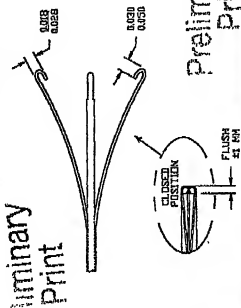
P01 4015-A

BILL OF MATERIALS		
*CONTROLLED MATERIAL		
DEPT	MATL	DESCRIPTION
1	STD	LASER GRASPER BLANC: R5613-A1
2	PUR	TUBING: PNT-3.0-A
3	CH-UNIT	TUBING: PNT-3.0-BE
4	STD	CONNECTER CAP: SABIN 1073-02
5	STD	UNI-DEX HANDLE: R6385-A1
6	STD	MODIFIED COLLET KNOB: R2890-A1
7	STD	PIN VASE COLLET: R4061-A5
8	CH-UNIT	TUBING: PETT-100
9	STD	CHECK FLO INSERT: R5009-A1
10	STD	CHECK FLO ADAPTER: R5071-A3
11	PUR	ADHESIVE: LOGITITE 4011

LEGEND	ASSY#	PART NO.
1		

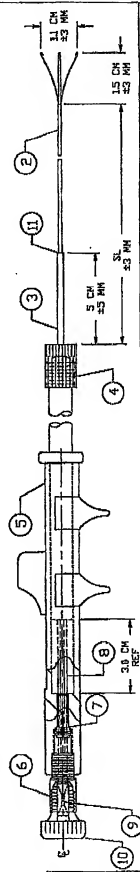
PRODUCT PREFIX
FRENCH SIZE (DIGITS 1-9)
LENGTH (DIGITS 4-9) (CM)
100H-INDEX HANDLE

Thru lumen on this one is used to pass a laser fiber.



Preliminary Print

SL 115.3 CM 52 MM



LASER GRASPER	
DIMENSIONED BY PARTS - PERSONAL LEFT - DENTAL RIGHT	
SCALE	FULL
NOTE	THIS DRAWING IS A PRELIMINARY DRAWING. IT IS NOT TO BE USED FOR MANUFACTURING WITHOUT THE APPROVAL OF THE DESIGNER. THE USER IS RESPONSIBLE FOR THE PROPER USE OF THE INSTRUMENT.
PROJ. NO.	
REV.	0
BY	NR
REASON	

DISTRIBUTION	BASKETS-1
BASKETS-02-1	
RBD-1	

REV	BY	REASON
0	NR	

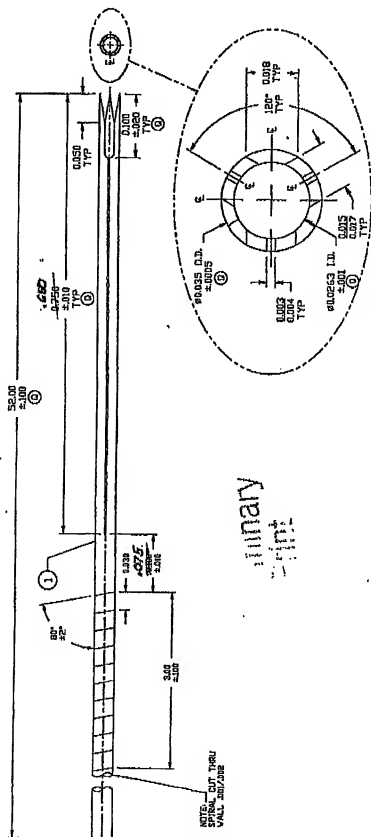
DEPT	ASSY#	PART NO.
1		

E56738D

Pre: 4015 A

1. CHECK ALL "Q" DIMENSIONS.

BILL OF MATERIALS "CONTROLLED MATERIAL"			
DET	MATL	DESCRIPTION	ASST#
1	GH5000	CANNULA: 20.5G	1 2
			1



NOTE: SPIRAL CUT THRU WALL 301/302

75

DISTRIBUTION
BASKETS-1
BASKETS QC-3
EXTERNAL COOKING-1
INCOMING QC-1
PURCHASING-1
R&D-1

Grasper
LASER CUT BLANK

[illegible]

pro 4214

Thru lumen on this PRELIMINARY
one not used. - just a small dia
flexible grasper



More flexible than other graspers
Far easier to mfg than other graspers
(no soldering ext.)

Tip detail Fish
+/- 1mm

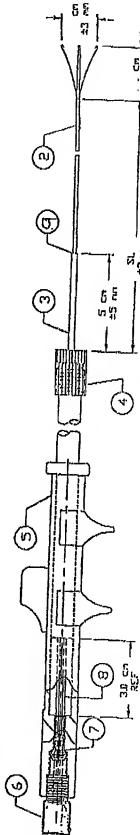
BILL OF MATERIALS - "CONTROLLED MATERIAL"	
DET	NO
1	STD Flexible Grasper Blank
2	PUR TUBING
3	SHANK Tubing 1/2 VNR
4	STD Connector Cap: Salco 4072
5	STD Vnr det handle: R5385A
6	STD Grasper handle: R2455A
7	STD Pin Vnr Collector: R1011A
8	SHANK Tubing 1/2 VNR
9	PUR Adhesive: Loctite 4011

LEGEND	
PRODUCT PREFIX	
FRENCH SIZE (DIGITS 1-3)	
LENGTH (DIGITS 4-5) (CM)	
LOD-INDEX/HANDLE	

PART NO.	
1	FC-022115-VP-4

1

SL cm
+/- 1mm



22FR FLEXIBLE GRASPER

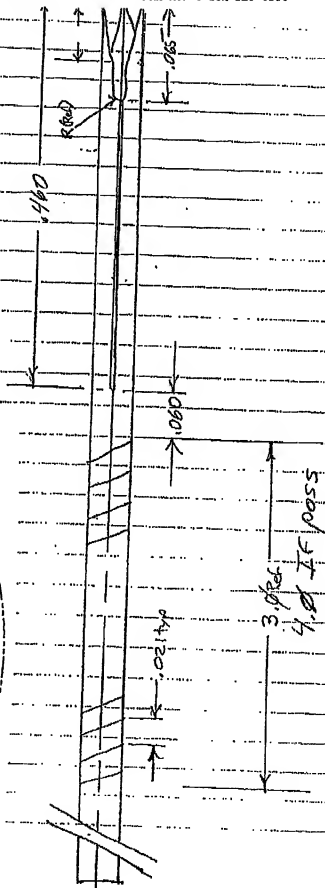
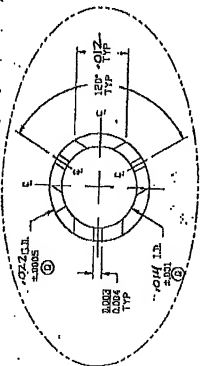
REVISION	
REV	BY
0	NR

REASON	
REV	REASON
0	

DESCRIPTION OF PARTS - MEDICAL, DENTAL, SPORT	
SCALE	CELL
UNIT	CM
PROD. NO.	
REV. NO.	
DATE	
DESIGNER	
DRIVER	
NR	

SK 061201-1F

Part 41214
Flexible grasper
(24GTW Cannula)



Handwritten signature or initials.